

The Nature of Sex

By [Andrew Sullivan](#)

Photo: Yukipon

It might be a sign of the end-times, or simply a function of our currently scrambled politics, but earlier this week, four feminist activists — three from a self-described radical feminist organization Women’s Liberation Front — appeared on a panel at the Heritage Foundation. Together they argued that sex was fundamentally biological, and not socially constructed, and that there is a difference between women and trans women that needs to be respected. For this, they were given a rousing round of applause by the Trump supporters, religious-right members, natural law theorists, and conservative intellectuals who comprised much of the crowd. If you think I’ve just discovered an extremely potent strain of weed and am hallucinating, check out the [video](#) of the event.

I’ve no doubt that many will see these women as anti-trans bigots, or appeasers of homophobes and transphobes, or simply deranged publicity seekers. (The moderator, Ryan Anderson, said they were speaking at Heritage because no similar liberal or leftist institution would give them space or time to make their case.) And it’s true that trans-exclusionary radical feminists or TERFs, as they are known, are one minority that is actively *not* tolerated by the LGBTQ establishment, and often demonized by the gay community. It’s also true that they can be inflammatory, offensive, and obsessive. But what interests me is their

underlying argument, which deserves to be thought through, regardless of our political allegiances, sexual identities, or tribal attachments. Because it's an argument that seems to me to contain a seed of truth. Hence, I suspect, the intensity of the urge to suppress it.

The title of the Heritage panel conversation — “The Inequality of the Equality Act” — refers to the main legislative goal for the Human Rights Campaign, the largest LGBTQ lobbying group in the US. The proposed Equality Act — a [federal nondiscrimination bill](#) that has been introduced multiple times over the years in various formulations — would add “gender identity” to the Civil Rights Act of 1964, rendering that class protected by anti-discrimination laws, just as sex is. The TERF argument is that viewing “gender identity” as interchangeable with sex, and abolishing clear biological distinctions between men and women, is actually a threat to lesbian identity and even existence — because it calls into question who is actually a woman, and includes in that category human beings who have been or are biologically male, and remain attracted to women. How can lesbianism be redefined as having sex with someone who has a penis, they argue, without undermining the concept of lesbianism as a whole? “Lesbians are female homosexuals, women who love women,” one of the speakers, Julia Beck, wrote last December, “but our spaces, resources and communities are on the verge of extinction.”

If this sounds like a massive overreach, consider the fact that the proposed Equality Act — with 201 co-sponsors in the last Congress — isn't simply a ban on discriminating against trans people in employment, housing, and public accommodations (an idea with a lot of support in the American public). It includes and

rests upon a critical redefinition of what is known as “sex.” We usually think of this as simply male or female, on biological grounds (as opposed to a more cultural notion of gender). But the Equality Act would define “sex” as *including* “gender identity,” and defines “gender identity” thus: “gender-related identity, appearance, mannerisms, or characteristics, regardless of the individual’s designated sex at birth.”

What the radical feminists are arguing is that the act doesn’t only blur the distinction between men and women (thereby minimizing what they see as the oppression of patriarchy and misogyny), but that its definition of gender identity must rely on stereotypical ideas of what gender expression means. What, after all, is a “gender-related characteristic”? It implies that a tomboy who loves sports is not a girl interested in stereotypically boyish things, but possibly a boy trapped in a female body. And a boy with a penchant for Barbies and Kens is possibly a trans girl — because, according to stereotypes, he’s behaving as a girl would. So instead of enlarging our understanding of gender expression — and allowing maximal freedom and variety within both sexes — the concept of “gender identity” actually narrows it, in more traditional and even regressive ways. What does “gender-related mannerisms” mean, if not stereotypes? It’s no accident that some of the most homophobic societies, like [Iran](#), for example, are big proponents of sex-reassignment surgery for gender-nonconforming kids and adults (the government even pays for it) while being homosexual warrants the death penalty. Assuming that a non-stereotypical kid is trans rather than gay is, in fact, dangerously close to this worldview. (Some might even see a premature decision to change a child’s body from one sex to another as a form of conversion therapy to “fix” his or her gayness. This doesn’t mean that trans people shouldn’t have the

right to reaffirm their gender by changing their bodies, which relieves a huge amount of pressure for many and saves lives. But that process should entail a great deal of caution and discernment.)

The Equality Act also proposes to expand the concept of public accommodations to include “exhibitions, recreation, exercise, amusement, gatherings, or displays”; it bars any religious exceptions invoked under the Religious Freedom Restoration Act of 1993; and it bans single-sex facilities like changing, dressing, or locker rooms, if sex is not redefined to include “gender identity.” This could put all single-sex institutions, events, or groups in legal jeopardy. It could deny lesbians their own unique safe space, free from any trace of men. The bill, [in other words](#), “undermines the fundamental legal groundwork for recognizing and combating sex-based oppression and sex discrimination against women and girls.”

The core disagreement, it seems to me, is whether a trans woman is right to say that she has always been a woman, was born female, and is indistinguishable from and interchangeable with biological women. That’s the current claim reflected in the Equality Act. But is it true that when Caitlyn Jenner was in the 1976 Olympics men’s decathlon, she was competing as a woman, indistinguishable from any other woman? Contemporary orthodoxy insists that she was indeed competing as a woman, and erases any distinction between a trans woman and a woman. Similarly, public high-school girls track or wrestling teams would have to include female-identifying biological males — even if they keep winning all the trophies, and even if the unfairness is staring you in the face.

Most of us, however, intuitively find this argument hard to swallow entirely. We may accept that Caitlyn Jenner, who came out as a woman in 2015, always understood herself as a woman, and see this psychological conviction as sincere and to be respected. But we also see a difference between someone who lived her life as a man for decades, under the full influence of male chromosomes and testosterone, and who was socially accepted as male and then transitioned ... and a woman to whom none of those apply. It is highly doubtful that a non-trans woman could have successfully competed against men in athletics in the Olympic decathlon, no less. Whether you look at this biologically (hormones and genitals matter) or socially (Jenner was not subjected to sexism as a man for most of her life), there *is* a difference. If there weren't, would the concept of "trans" even exist?

This is the deeply confusing and incoherent aspect of the entire debate. If you abandon biology in the matter of sex and gender altogether, you may help trans people live fuller, less conflicted lives; but you also undermine the very meaning of homosexuality. If you follow the current ideology of gender as entirely fluid, you actually subvert and undermine core arguments in defense of gay rights. "A gay man loves and desires other men, and a lesbian desires and loves other women," explains [Sky Gilbert](#), a drag queen. "This defines the existential state of being gay. If there is no such thing as 'male' or 'female,' the entire self-definition of gay identity, which we have spent generations seeking to validate and protect from bigots, collapses." Contemporary transgender ideology is not a complement to gay rights; in some ways it is in active opposition to them.

And the truth is that many lesbians and gay men are quite attached to the concept of sex as a natural, biological, material thing. Yes, we are very well aware that sex can be expressed in many different ways. A drag queen and a rugby player are both biologically men, with different expressions of gender. Indeed, a drag queen can also be a rugby player and express his gender identity in a variety of ways, depending on time and place. But he is still a man. And gay men are defined by our attraction to our own biological sex. We are men and attracted to other men. If the concept of a man is deconstructed, so that someone without a penis is a man, then homosexuality itself is deconstructed. Transgender *people* pose no threat to us, and the vast majority of gay men and lesbians wholeheartedly support protections for transgender people. But transgenderist *ideology* — including postmodern conceptions of sex and gender — is indeed a threat to homosexuality, because it is a threat to biological sex as a concept.

And so it is not transphobic for a gay man not to be attracted to a trans man. It is close to definitional. The core of the traditional gay claim is that there is indeed a very big difference between male and female, that the difference matters, and without it, homosexuality would make no sense at all. If it's all a free and fluid nonbinary choice of gender and sexual partners, a choice to have sex exclusively with the same sex would not be an expression of our identity, but a form of sexist bigotry, would it not?

There is a solution to this knotted paradox. We can treat different things differently. We can accept that the homosexual experience and the transgender experience are very different, and cannot be easily conflated. We can center the debate not on

“gender identity” which insists on no difference between the trans and the cis, the male and the female, and instead focus on the very real experience of “[gender dysphoria](#),” which deserves treatment and support and total acceptance for the individuals involved. We can respect the right of certain people to be identified as the gender they believe they are, and to remove any discrimination against them, while also seeing biology as a difference that requires a distinction. We can believe in nature *and* the immense complexity of the human mind and sexuality. We can see a way to accommodate everyone to the extent possible, without denying biological reality. Equality need not mean sameness.

We just have to abandon the faddish notion that sex is socially constructed or entirely in the brain, that sex and gender are unconnected, that biology is irrelevant, and that there is something called an LGBTQ identity, when, in fact, the acronym contains extreme internal tensions and even outright contradictions. And we can allow this conversation to unfold civilly, with nuance and care, in order to maximize human dignity without erasing human difference. That requires a certain amount of courage, and one thing I can safely say about that Heritage panel is that the women who spoke had plenty of it.